

# **Exhibit H**

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18 **UNITED STATES DISTRICT COURT**

19 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

20 IN RE CATHODE RAY TUBE (CRT)  
21 ANTITRUST LITIGATION

Master File No. 3:07-cv-05944-SC

MDL No. 1917

22 This Document Relates To:

Individual Case No. 3:11-cv-05514

23 *Target Corp., et al. v. Chunghwa Picture*  
24 *Tubes, Ltd., et al.*, Case No. 3:11-CV-  
25 05514-SC

**PLAINTIFF TARGET CORP.'S  
RESPONSES AND OBJECTIONS TO  
DEFENDANTS CHUNGHWA PICTURE  
TUBES, LTD. AND CHUNGHWA  
PICTURE TUBES (MALAYSIA) SDN.  
BHD.'S FIRST SET OF REQUESTS FOR  
ADMISSION**

26 PROPOUNDING PARTY: Defendants Chunghwa Picture Tubes, Ltd. and Chunghwa Picture  
27 Tubes (Malaysia) Sdn. Bhd.

28 RESPONDING PARTY: Plaintiff Target Corp.

SET NO.: ONE

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, Plaintiff Target  
Corp. ("Target") hereby objects and responds to the First Set of Requests for Admission to Target

1 (“Requests”) served by counsel for Chunghwa Picture Tubes, Ltd. and Chunghwa Picture Tubes  
2 (Malaysia) Sdn. Bhd. (collectively, “Chunghwa”) in the above-captioned matter. For the reasons  
3 specified below, Target objects generally and specifically to all specifications in the Requests.  
4 Target reserves the right to supplement the objections and responses set forth below.

### 5 **GENERAL OBJECTIONS**

6 Target asserts the following General Objections to the Requests, which are incorporated  
7 by reference in each specific response as though set forth fully therein:

8 1. Target objects to the Requests to the extent they are overbroad, burdensome, and  
9 seek information that is outside the scope of any allowable discovery by the Federal Rules of  
10 Civil Procedure, the Local Rules of the District Court for the Northern District of California, or  
11 any Order of this Court. Target does not agree to undertake any obligations beyond those  
12 required by those rules.

13 2. Target objects to the Requests to the extent that they seek information protected by  
14 the attorney-client privilege and/or attorney work-product doctrine, the joint prosecution  
15 privilege, or any other privilege or doctrine of confidentiality provided by law, or that otherwise  
16 constitutes information prepared for or in anticipation of litigation. Such information will not be  
17 produced; any production thereof is inadvertent and not a waiver of any applicable privilege or  
18 protection against disclosure.

19 3. Target objects to the Requests to the extent that they seek information not  
20 currently in Target’s possession, custody, or control.

21 4. Target objects to the Requests to the extent that they seek information already in  
22 the possession, custody or control of Chunghwa.

23 5. Target objects to the Requests to the extent that they seek information, or purport  
24 to impose duties or obligations, beyond those set forth in the Federal Rules of Civil Procedure,  
25 the Local Rules of this Court, or any Order of this Court. Target also specifically objects to  
26 Chunghwa’s directions regarding service of verified answers to the offices of Gibson, Dunn &  
27 Crutcher LLP, 555 Mission St. Suite 3000, San Francisco, CA 94105 within thirty days of  
28

1 February 4, 2014. Target does not agree to undertake any obligations beyond those required by  
2 those rules.

3 6. Target objects to the Requests to the extent that they are unreasonable, oppressive,  
4 unintelligible, vague, ambiguous, and unduly burdensome and for which the acquisition of  
5 information responsive to each would cause Target undue annoyance and expense.

6 7. Target objects to the Requests to the extent that they seek information not related  
7 to the claims or defenses of any party in this matter or are not reasonably calculated to lead to the  
8 discovery of admissible evidence.

9 8. Target objects to the Requests to the extent that the information sought is  
10 unreasonably cumulative or duplicative, or is obtainable from a source other than Target that is  
11 more convenient, less burdensome, or less expensive. Target also objects to the Requests to the  
12 extent that they seek information that can be more easily obtained by Chunghwa from public  
13 sources.

14 9. Target objects to the Requests to the extent that they contain terms that are vague  
15 or ambiguous. Target also objects to Chunghwa's definitions of words to the extent they are  
16 inconsistent with the plain meaning of those words or impose an expanded definition of the words  
17 or phrases. By responding to a request containing such a definition, Target does not adopt  
18 definitions of terms propounded by Chunghwa. Instead, Target expressly reserves its right to  
19 narrow the scope of the purported definition.

20 10. Target objects to the definitions of "You" and "Your" to the extent that such  
21 definitions make the Requests overly broad, unduly burdensome, or seek information that is not  
22 relevant to the subject matter of this litigation and, therefore, render the Requests not reasonably  
23 calculated to lead to the discovery of admissible evidence.

24 11. Target objects to the Requests to the extent that they call for disclosure of  
25 information containing trade secrets or proprietary, sensitive, or other confidential business  
26 information.

27 12. Target objects to the Requests to the extent that they prematurely call for the  
28 disclosure of expert testimony. Target will provide expert disclosures as provided by the Federal

1 Rules of Civil Procedure or by Order of the Court, and at the appropriate time.

2 13. Target objects to the Requests to the extent that they require Target to disclose  
3 information that would cause Target to violate its existing contractual obligations to other parties  
4 to maintain the confidentiality of such information.

5 14. Target objects to the Requests to the extent they are cumulative and duplicative of  
6 other discovery propounded in this case, and therefore in violation of the integration order  
7 included in section XV, subsections D and E of the Court's "Order Re Discovery and Case  
8 Management Protocol," entered in the MDL on April 3, 2012. Order Re Discovery and Case  
9 Management Protocol, *In re Cathode Ray Tube Antitrust Litigation*, Case No. 07-cv-05944-SC  
10 MDL No. 1917 (N.D. Cal. April 3, 2012), Docket No. 1128.

11 15. Target objects to the Requests to the extent they seek, in contravention to well-  
12 established legal principles, to dismember the overall conspiracy into separate parts, instead of  
13 looking at the illegal conspiracy as a whole. *See Continental Ore Co. v. Union Carbide &*  
14 *Carbon Corp.*, 370 U.S. 690, 699 (1962); *Beltz Travel Service, Inc. v. Int'l Air Trans. Assoc.*, 620  
15 F.2d 1360, 1366-67 (9th Cir. 1980) (citing *United States v. Patten*, 226 U.S. 525, 544 (1913)).  
16 All conspirators are jointly and severally liable for the acts of their co-conspirators and the action  
17 of any of the conspirators in furtherance of the conspiracy is, in law, the action of all. *Id.*

18 16. Target objects to the Requests to the extent that they call for speculation or call for  
19 a conclusion on an issue of law. *See Gem Acquisitionco, LLC v. Sorenson Group Holdings, LLC*,  
20 No. C 09-01484 SI, 2010 WL 1340562, at \*3 (N.D. Cal. Apr. 5, 2010) (Illston, J.) ("[L]egal  
21 conclusions are not a proper subject of a request for admission ....."); *Jones v. McGuire*, No. CIV  
22 S-0802607 MCE CKD P, 2012 WL 439429, at \*6 (E.D. Cal. Feb. 9, 2012) ("[R]equests for  
23 admissions should not be used . . . to demand that the other party admit the truth of a legal  
24 conclusion, even if the conclusion is attached to operative facts, or to ask the party to admit facts  
25 of which he or she has no special knowledge." (internal quotation marks omitted)); *Tracchia v.*  
26 *Tilton*, No. CIV S-06-2916 GEB KJM P, 2008 WL 5382253, at \*2 (E.D. Cal. Dec. 22, 2008) ("A  
27 request calls for a legal conclusion when it asks a party to admit what is required or permitted by  
28 particular [laws or] regulations.").

17. In responding to the Requests, Target in no way concedes their relevance to the merits and expressly reserves other objections. Target's responses are being made after reasonable inquiry into the relevant facts, and the responses are based only upon the information and documentation that is presently available to and known to Target. Target's investigation of this case is ongoing. Further investigation and discovery may result in the identification of additional information or contentions, and Target reserves the right to modify its responses as appropriate. Target's responses should not be construed to prejudice Target's right to conduct further investigation in this case, or to limit Target's use of any additional evidence that may be developed.

18. Target reserves its right to object to and/or challenge any evidence on grounds of competency, relevance, materiality, privilege, or admissibility at trial or at any hearing or proceeding with respect to any admissions sought by the Requests and all answers Target provides in response to these Requests.

## **RESPONSES TO REQUESTS FOR ADMISSION**

### **REQUEST NO. 1:**

Admit that You did not purchase any CRT Products from CPT.

### **RESPONSE TO REQUEST NO. 1:**

Target refers to and incorporates its General Objections as though set forth fully herein. Target further objects to this Request to the extent that it calls for information that is already in the possession, custody, or control of Defendants, or that can be obtained in a less burdensome fashion. Target further objects to this Request on the grounds that it is unduly burdensome, oppressive, and seeks information that is neither relevant to any claims or defenses in this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Target also objects to this Request on the grounds that it calls for a legal conclusion. Target further objects to this Request on the grounds that the phrase "from CPT" is vague and ambiguous.

Subject to and without waiving the foregoing objections, Target responds as follows: Target has direct purchases from CPT for certain of Target's CRT Product purchases pursuant to

1 the “ownership or control” exception to *Illinois Brick Co. v. Illinois*, 431 U.S. 720 (1977), as  
 2 articulated in *Royal Printing Co. v. Kimberly Clark Corp.*, 621 F.2d 323 (9th Cir. 1980) and its  
 3 progeny, including the Court’s November 29, 2012 Order Granting in Part and Denying in Part  
 4 Defendants’ Joint Motion for Summary Judgment (Dkt. No. 1470). Target also purchased  
 5 finished products containing CRTs manufactured by CPT and/or other conspirators. On those  
 6 bases, Target denies this Request.

7 **REQUEST NO. 2:**

8 Admit that You did not purchase any CRT Products from CPTM.

9 **RESPONSE TO REQUEST NO. 2:**

10 Target refers to and incorporates its General Objections as though set forth fully herein.  
 11 Target further objects to this Request to the extent that it calls for information that is already in the  
 12 possession, custody, or control of Defendants, or that can be obtained in a less burdensome fashion.  
 13 Target further objects to this Request on the grounds that it is unduly burdensome, oppressive, and  
 14 seeks information that is neither relevant to any claims or defenses in this litigation nor reasonably  
 15 calculated to lead to the discovery of admissible evidence. Target also objects to this Request on the  
 16 grounds that it calls for a legal conclusion. Target further objects to this Request on the grounds  
 17 that the phrase “from CPTM” is vague and ambiguous.

18 Subject to and without waiving the foregoing objections, Target responds as follows:

19 Target has direct purchases from CPTM for certain of Target’s CRT Product purchases pursuant  
 20 to the “ownership or control” exception to *Illinois Brick Co. v. Illinois*, 431 U.S. 720 (1977), as  
 21 articulated in *Royal Printing Co. v. Kimberly Clark Corp.*, 621 F.2d 323 (9th Cir. 1980) and its  
 22 progeny, including the Court’s November 29, 2012 Order Granting in Part and Denying in Part  
 23 Defendants’ Joint Motion for Summary Judgment (Dkt. No. 1470). Target also purchased  
 24 finished products containing CRTs manufactured by CPTM. On those bases, Target denies this  
 25 Request.

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1 DATED: March 10, 2014

By: /s/ Astor H.L. Heaven

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